

ORIGINAL

LAW OFFICES  
**KOTEEN & NAFTALIN, L.L.P.**  
1150 CONNECTICUT AVENUE  
WASHINGTON, D.C. 20036

BERNARD KOTEEN\*  
ALAN Y. NAFTALIN  
ARTHUR B. GOODKIND  
GEORGE Y. WHEELER  
MARGOT SMILEY HUMPHREY  
PETER M. CONNOLLY  
M. ANNE SWANSON  
CHARLES R. NAFTALIN  
GREGORY C. STAPLE  
R. EDWARD PRICE\*\*

\* SENIOR COUNSEL  
\*\* ADMITTED IN NEW YORK AND  
MASSACHUSETTS ONLY

October 2, 1996

TELEPHONE  
(202) 467-5700  
DOCKET FILE COPY ORIGINAL  
(202) 467-5715

RECEIVED

OCT - 2 1996

Federal Communications Commission  
Office of Secretary

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, DC 20554

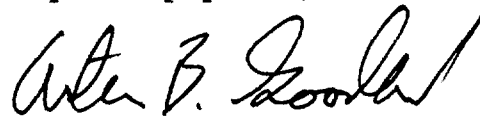
MM 97-122

Dear Mr. Caton:

Transmitted herewith, on behalf of Gerard A. Turro, licensee of FM translator stations W276AQ, Ft. Lee, New Jersey, and W232AL, Pomona, New York, are an original and four copies of his "Opposition of Gerard A. Turro to Petition to Deny." This Opposition is filed with respect to a petition to deny filed September 8, 1996 by Universal Broadcasting of New York, Inc. with respect to applications to assign the licenses for the two translators to Press Broadcasting Company, Inc.

In the event there are any questions, please contact the undersigned.

Very truly yours,



Arthur B. Goodkind

Enclosure

cc (w/enc.): Charles W. Kelly, Esq. Harry F. Cole, Esq.  
Roy J. Stewart, Esq. Richard A. Helmick, Esq.  
Norman Goldstein, Esq. Stephen Barone  
Alan Aronowitz, Esq.

RECEIVED

OCT - 2 1996

Before The  
Federal Communications Commission

Federal Communications Commission  
Office of Secretary

In re Application of )  
 ) File Nos.  
GERARD A. TURRO )  
FM Translator Stations W276AQ, )  
Fort Lee, NJ, and W232AL, )  
Pomona, NY )  
 )  
For Assignment of Licenses )

To: Chief, Mass Media Bureau

OPPOSITION OF GERARD A. TURRO TO PETITION TO DENY

Gerard A. Turro, by his attorneys, hereby files his opposition to the petition to deny filed September 18, 1996 by Universal Broadcasting of New York, Inc. ("Universal") against the above-captioned applications.

Insofar as its petition is directed against Mr. Turro, Universal repeats, without verification or further support, the same allegations Universal previously made in the ex parte complaint it originally filed on February 15, 1995. Mr. Turro has previously responded to those allegations and has supported his response with a detailed engineering statement prepared by his communications consulting engineer, Herman E. Hurst, Jr. Mr. Turro believes that he has addressed all factual issues raised by Universal, but stands ready to provide any further information

the Commission may request. We do not propose to respond again here to the same allegations to which Mr. Turro has already responded.

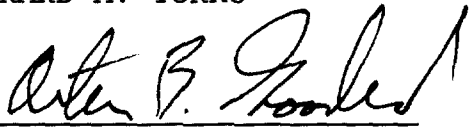
In its letter of April 5, 1996, the Commission "rescinded" a position taken in a 1991 letter from the Commission to Mr. Turro. On the basis of his understanding of the Commission's 1991 letter, Mr. Turro had made very substantial investments in his present network service. Although we believe that there is a strong basis for challenging the Commission's rescission of its 1991 authorization, see Fox Television Stations, Inc. 78 RR 2d 1294, 1299 (1995); Melody Music, Inc. v. FCC, 345 F.2d 730 (1965), Mr. Turro has nonetheless placed before the Commission an application that complies fully with the Commission's changed 1996 position. Upon grant of the application, Mr. Turro will wholly sever his connection with the Pomona and Fort Lee translators and will assign their licenses to an entity with

which Mr. Turro has and will have no connection. We respectfully request that the Commission grant these applications promptly.

Respectfully submitted

GERARD A. TURRO

By:

  
Arthur B. Goodkind  
Koteen & Naftalin L.L.P.  
1150 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20036  
(202) 467-5700

October 2, 1996

CERTIFICATE OF SERVICE

I, Phillis Merriett, a secretary in the law offices of Koteen & Naftalin, hereby certify that true copies of the foregoing "Opposition of Gerard A. Turro to Petition to Deny" have been served upon the following via first-class, postage prepaid, United States mail, this 2nd day of October 1996:

Richard A. Helmick, Esq.  
Cohn and Marks  
1333 New Hampshire Avenue, N.W.  
Suite 600  
Washington, D.C. 20036-1573

Roy J. Stewart, Esq.\*  
Chief, Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 314  
Washington, D.C. 20554

Norman Goldstein, Esq.\*  
Chief, Complaints and  
Investigations Branch  
Federal Communications Commission  
2025 M Street, N.W.  
Room 8202  
Washington, D.C. 20554

Alan Aronowitz, Esq.\*  
Federal Communications Commission  
2025 M Street, N.W.  
Room 8002  
Washington, D.C. 20554

Stephen Barone\*  
Complaints and Investigations Branch  
Federal Communications Commission  
2025 M Street  
Room 8210  
Washington, DC 20554

Charles W. Kelley, Esq.\*  
Complaints and Investigations Branch  
Federal Communications Commission  
2025 M Street  
Room 8202  
Washington, D.C. 20554

Harry F. Cole, Esq.  
Bechtel & Cole, Chartered  
1901 L Street, N.W.  
Suite 250  
Washington, D.C. 20036

  
Phillis Merriett

\*By hand delivery